

DIAA Board of Directors' Meeting Minutes
February 15, 2010 – 9:00 a.m.
Collette Building

I. Opening

A. Call to Order

The meeting was called to order at 9:05 a.m. by DIAA Chairperson Gerald Kobasa.

B. Roll Call

The following DIAA Board members were present: Gerald Kobasa, Michael Wagner, Curtis Bedford, Eugene Montano, Debbie Corrado, Joan Samonisky, Catherine Marvel, Harvey Hyland, Dianne Sole, Teresa Taylor, Robert Reed, Woody Long, Michael Modica, Randall O'Neal, Ron Eby, Kevin Charles, Executive Director; and Frederic Schranck, Deputy Attorney General were also in attendance. Edna Cale, Susan Coffing, Dr. George Stone, Dr. Jeffery Hawtof and Dr. Michael Owens were unable to attend. Mr. Wagner introduced Kailyn McCartel who is an intern working at Lake Forest High School. Mr. Charles introduced Joe Lamonte who is an intern from Wesley College working in the DIAA office.

C. Approval of Agenda

Mr. Kobasa stated that Item III. E. was being removed from the agenda. Mr. Eby made a motion to approve the agenda as amended. The motion was seconded by Dr. Sole and carried unanimously.

D. Approval of Minutes of January 21, 2010 Board of Directors' Meeting

Mr. Reed made a motion to approve the minutes of the January 21, 2010 Board of Directors meeting. The motion was seconded by Mr. Long and carried unanimously.

E. DIAA Financial Report

Mr. Charles stated that for the fiscal year of the total income was \$387,684.00 which is 54% of the projected revenue for the year. Mr. Charles stated that the income for the reporting period January 12 through February 2 is \$15,289.00 which was primarily from football, dues, pre-sale of indoor track tickets, and weight management. Mr. Charles stated that the expenses for the year were \$516,051.00 which were just under 72% of the total for the year. The expenses for the reporting period were primarily from the purchase order for the basketball tournament facility rental which was \$66,500.00, salary and OEC, purchase orders for swimming and diving, wrestling, programs for the remainder of the year, and football tournament facility expenses. Mr. Charles stated that at this point we are still in the red which is normal for this time of year. Ms. Samonisky made a motion to approve the financial

report. The motion was seconded by Dr. Sole and carried unanimously.

III. Action Items

A. Approval of Tournament Sanctions

Mr. Charles stated that there are 10 sanction requests which 9 were approved and 1 indoor track event for the Big Apple Invitation which occurs after the season ends was denied. Mr. Charles commented on a number of Disney Classic Invitational's that we receive and stated that they run for several months and is going to begin approving these on a case by case basis because he wants to know which teams are participating and how many scrimmages they will be participating in. Mr. Charles stated that they are all in compliance with NFHS and DIAA regulations and the applications are available for the Board's review. Ms. Samonisky made a motion to approve the sanction events. The motion was seconded by Dr. Sole and carried unanimously.

C. Request for Waiver of DIAA Reg. 1009.2.4 by St. Marks for D. T. & E. T.

Mr. Frank Trofa; students father, Gail Trofa; students mother, Erica Trofa; student, and Danielle Trofa were in attendance to present this request. The parents requested an open hearing. Mr. Kobasa explained that DIAA is a 20 member Board and has 19 voting members. Mr. Kobasa further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver request. Mr. Kobasa explained the there are 14 voting members participating and present to consider this matter. The parties confirmed that they understood and wished to proceed. All parties giving testimony for this hearing were sworn in. Ms. Taylor recused herself from this hearing so that she could testify on behalf of St. Marks. Mr. Schranck, Deputy Attorney General, reviewed the materials in the packet and stated that they would handle both hearings at the same time for the two sisters.

Ms. Trofa thanked the Board for the opportunity to petition for a waiver for athletics. Ms. Trofa informed the Board that Erica and Danielle were sophomores who attended Chichester High School until January 22, 2010 and enrolled into St. Mark's High School on January 25, 2010. Ms. Trofa stated that the social and academic environment at Chichester was the driving force behind the transfer. Ms. Trofa stated that there were problems at Chichester of over-crowding, violent behavior, lack of respect for teachers which have changed since last year. Ms. Trofa also stated that the makeup of the population is different which has brought in violent behavior. Ms. Trofa reviewed the graduation profile from Chichester which shows that only 49% of the students have enrolled in either a 4 year or 2 year college and 14% chose a technical school and 18% graduated undecided which was very concerning to them. Mr. Trofa explained that they do not have a school choice program and there are no charter schools close to them. The only options were physically moving to another district, home schooling, or looking into enrolling into a private school. Ms. Trofa commented that they chose St. Mark's based on the academic program, catholic

education, the proximity to her work place, and the affordability. Ms. Trofa explained that this transfer will also give her daughters the chance to take part in classes that are not offered at Chichester such as anatomy and Italian. Ms. Trofa stated that her daughters are actively involved in clubs, sports, service, chorus and other activities and would hope that they can continue to do so. Ms. Trofa explained that they were asking for the waiver so that the girls could participate in spring sports which would allow them to meet other students.

Erica commented that it was very stressful at Chichester and did not want to be there because the atmosphere was very violent and did not enjoy the people. Danielle commented that she supported what Erica stated.

Ms. Samonisky asked if they had looked at any other Catholic High Schools closer to their home. Ms. Trofa responded that she did and St. Mark's suited them more than the others. Ms. Trofa also responded to a question by saying she learned about St. Marks by co-workers that have children who attend St. Mark's.

Ms. Corrado asked if there was a specific incident that happened that made the girls want to leave. Both girls responded that there were a lot of fights and it just led up to them wanting to leave and that one student actually set a cat on fire.

Ms. Trofa commented that the girls are both very interested in a cultural exchange program which Chichester did not have. Ms. Trofa stated that she was drawn to the Catholic education because of the discipline.

Ms. Taylor explained that she met the girls in January but that they were told in the fall when they were showing interest in St. Marks that their participation in athletics would be subject to this waiver.

Mr. Wagner asked what schools the girls were interested in. Erica responded by saying that one of her friends was looking at St. Marks and that is what started their interest. Erica stated that they didn't consider Padua Academy because it was an all girl school, they considered another school but it was too far for their mother to take them to and St. Mark's was on the way to their mom's work.

Mr. Long made a motion to accept the waiver for 1009.2.4 based on the information received. The motion was seconded by Mr. O'Neal and carried by a vote of 14 – yes (Kobasa, Wagner, Bedford, Montano, Corrado, Samonisky, Marvel, Hyland, Sole, Reed, Long, Modica, O'Neal, and Eby) and 1 – recusal (Taylor).

G. Continuation of Milford Waiver Request from January

Mr. Charles reminded the Board that this request was brought forward from the January meeting and is a request for a waiver of the transfer regulation for J.J.T. who

transferred from Polytech to Milford High School. Mr. Charles also reminded the Board that they denied the waiver for basketball for this year and allowed her to participate in basketball next year but tabled the request for softball pending communication from Milford High School's principal regarding her opinion on whether the student should be able to participate in softball this spring. Mr. Charles stated that the letter in the packet from Ms. Kohel, principal at Milford High School, was in support of the student participating in softball. Ms. Corrado made a motion to approve the waiver for the student to participate in softball this spring. The motion was seconded by Ms. Marvel and carried by a vote of 11 – yes (Kobasa, Bedford, Montano, Corrado, Samonisky, Marvel, Hyland, Taylor, Reed, Long, Modica), 2 – abstentions (Wagner and Sole), and 2 – no (O'Neal and Eby).

C. Request for Waiver of DIAA Reg. 1009.2.4 by Newark HS for C. R.

Cindy Rozanski; parent of student, Chelsea L. Rozanski; student, Steve Bastianelli; athletic director at Newark High School, Matt Hammond; Soccer Coach and Social Studies Teacher, Curtis Bedford; principal at Newark High School were in attendance to present this request. Mr. Bedford recused himself from this hearing and was present to represent Newark High School. Mr. Schranck, Deputy Attorney General, reviewed all information in the packet. Mr. Kobasa explained that DIAA is a 20 member Board and has 19 voting members. Mr. Kobasa further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver request. Mr. Kobasa explained there are 16 voting members participating and present to consider this matter. The parties confirmed that they understood and wished to proceed. All parties giving testimony for this hearing were sworn in.

Ms. Rozanski explained to the Board that her daughter is a junior at Newark High School and that she had started her high school career at Padua Academy. Ms. Rozanski stated that Chelsea chose Padua primarily for their soccer program. Ms. Rozanski then stated that Chelsea chose to transfer to Newark her junior year so that she could attend a co-ed school and that Newark had more extracurricular activities. Ms. Rozanski stated that Chelsea was the only freshman on the Padua varsity soccer team. Ms. Rozanski then explained that on March 16, 2009 during Chelsea's sophomore year Chelsea's sustained a severe concussion during the spring season in a scrimmage which caused her to miss the entire season. Ms. Rozanski stated that she is currently being treated at the A.I. DuPont Hospital for Children. Ms. Rozanski explained the long recovery period which has included physical therapy, neuro-psychological testing and EEGs which have taken Chelsea away from academics and that Chelsea has been able to maintain a 4.0 GPA.

Chelsea stated that she enjoys playing soccer and feels she can show her talent on the field. Chelsea also stated that being a part of the team allows her to build friendships with the other girls. Chelsea also stated that transferring to Newark High School has allowed her to do many extracurricular activities that Padua did not offer.

Mr. Bastianelli stated that he has gotten to know Chelsea through different situations where Chelsea has stepped in to help out. Mr. Bastianelli stated that Chelsea wants to get involved in the school as much as possible in school. Mr. Bastianelli also commented that he feels that the transfer to Newark High School had nothing to do with athletics.

Mr. Bedford commented that Chelsea has taken on many things since coming to Newark High School and would be great to see her be able to participate.

Mr. Hammond commented that he has had the pleasure of having Chelsea in class and is a student that every teacher would like to have in class. Mr. Hammond stated that Chelsea is active in school and explained that Chelsea missed an entire season of soccer last year because of injury.

Mr. Taylor questioned what the motivation was behind going to Newark High School. Chelsea responded by saying that when she first chose to attend Padua her parents told her that if she didn't like it after one year she could transfer to another high school. Chelsea commented that she chose Padua because of their soccer program and when she got hurt and couldn't play soccer she really didn't want to attend Padua anymore. Chelsea also stated that Newark High School is her home school.

Mr. Modica made a motion to approve the waiver request based on the hardship of the injury as well as she transferred to Newark High School for non-athletic reasons and including for programs that were not available at Padua Academy. The motion was seconded by Mr. Montano. Mr. Wagner commented that he is having a problem approving the motion based on the transfer reason but would be able to based on the hardship reasons. Mr. Modica amended his motion and approved the request based on the hardship caused by the injury. The motion was seconded by Mr. Montano and carried on a vote of 14 – yes (Modica, O'Neal, Eby, Kobasa, Wagner, Montano, Corrado, Samonisky, Marvel, Hyland, Sole, Taylor, Reed, and Long) and 1 abstention (Bedford).

The Board recessed at 10:15 a.m. and reconvened at 10:30 a.m.

D. Request for Waiver of DIAA Reg. 1009.2.4 by Cape Henlopen HS for A. D.

Student and Student's father were in attendance to present this request. Student's father requested a closed hearing. Mr. Reed made a motion to go into executive session for the purposes of protecting the pupil file as an exception to the Freedom of Information Act. The motion was seconded by Mr. Bedford and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Mr. Kobasa explained that DIAA is a 20 member Board and has 19 voting members. Mr. Kobasa further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver

request. Mr. Kobasa explained there are 15 voting members participating and present to consider this matter. The parties confirmed that they understood and wished to proceed. All persons participating in this hearing were sworn in. Mr. Schranck reviewed all documents pertaining to this request.

Mr. Long made a motion to come out of executive session. The motion was seconded by Mr. Wagner and carried unanimously. Mr. Montano made a motion to approve the waiver request based on financial hardship. The motion was seconded by Ms. Marvel and carried unanimously.

F. Interim Waiver Granted by Executive Director of Reg. 1009.2.4 to M. E. of Seaford

Mr. Charles explained that this waiver request was submitted to him by Seaford High School and by student's mother. Mr. Charles further explained that this student suffered personal hardships and that he granted an interim waiver based on the information he received. Mr. Wagner made a motion to accept this interim waiver as authorized by Mr. Charles. The motion was seconded by Dr. Sole and carried unanimously.

H. 2010-11 NFHS Officials Association Membership Commitment

Mr. Charles explained that this is an agreement with the NFHS to make a 100% commitment to the NFHS Officials Association. Mr. Charles further explained that the membership fee for each official is \$12.00 for the NFHS and \$15.00 for DIAA dues which is a total of \$27.00 per official. Mr. Charles stated that the \$12.00 provides officials access to the NFHS education content on their website and liability insurance. Mr. Charles commented that the NFHS is working with a company called Arbiter who will be upgrading their types of service and delivery of service and that there will be a \$5.00 increase in dues. Mr. Neubauer reviewed the new agreement with the officials. Mr. Neubauer explained that our officials already use Arbiter and will now be able to go there to get online education, rules questions, and will be able to have a place to post information of rules and our clinics on line. Mr. Neubauer also stated that there has not been a raise in dues in over ten years and the \$5.00 increase is well worth it. Mr. Charles stated that we did increase the DIAA dues in 2004 by \$3.00 to cover the cost of using Arbiter as an assigning tool. Mr. Charles stated that the total cost of dues for officials is now \$32.00 and is still one of the lowest in the nation. Mr. Charles stated that the fee covers books and registration. Mr. Long made a motion to approve the agreement with the NFHS as a 100% state at the rate of \$17.00 per year. The motion was seconded by Ms. Samonisky and carried unanimously.

I. Request for Approval of Uniform Shirt Options by DUA/IBUA/DSUA per NFHS Rules

Mr. Neubauer explained that the request was for the Delaware Umpires Association and the Interstate Baseball Umpires Association. Mr. Neubauer stated that the associations were asking for approval to wear certain shirts during the regular season

and state tournament play. Mr. Neubauer stated that this has been approved by the NFHS as an acceptable option by the states. Ms. Samonisky made a motion to approve the request. The motion was seconded by Ms. Corrado and carried unanimously.

J. Padua Self-Report – Indoor Track

Mr. Charles stated that the principal, Cindy Mann, and athletic director, Angel Payne reported to him that their indoor track team had participated in too many indoor track meets. Mr. Charles explained that the new adjusted maximum game schedule for indoor track is 11 events and that the school participated in 12 events which is one more than allowed. Mr. Charles stated that they had 17 events scheduled. Mr. Charles also stated that the athletic director immediately cancelled the remainder of the season and took the rest of the meets off their schedule. Ms. Payne informed Mr. Charles that the coach relied on another coach to determine how many meets they could compete in and was given the number for spring track instead of indoor track. Mr. Charles explained that the DIAA Regulations require that when a team exceeds the maximum game requirement that the team is disqualified from state tournament competition if they qualified or they pay a \$500.00 fine if they are a non qualifying team. Mr. Charles further explained that every team qualifies for indoor track. Mr. Charles reminded the Board what he did with another situation and stated that they disqualified the team from the team event but allowed the individuals to compete in the individual tournament. Mr. Charles stated that by comparison he disqualified Padua from the team competition of the indoor track meet and could not enter any relay teams but allowed individuals to compete for individual medals. Mr. Charles stated that the school contacted the parents before informing the media and the parents were appreciative on how the school and DIAA handled this. Ms. Samonisky commented that she thought this was handled well and would like this to be reviewed by the Rules and Regulations Committee to see if a financial penalty could be assessed. Mr. Charles stated that this is a first year coach. Mr. Charles also stated that no individual competed in more than 11 events.

Mr. Eby made a recommendation to accept what Mr. Charles has done but to also send a letter of reprimand to the principal. The motion was seconded by Mr. Montano. Ms. Samonisky recommended that the Rules and Regulations Committee revisit this. The motion carried unanimously.

IV. Executive Director Report

A. Legal Issues

Mr. Schranck commented on the Malabet decision and stated that the vice chancellor made a decision on the temporary restraining order request seeking to block any DIAA decision and ruled in favor of the DIAA and turned down the request for the restraining order. Mr. Schranck explained that the day before this decision was

reached the school did file an appeal to the State Board of Education of the DIAA decision which is scheduled for oral argument by the hearing officer for March 9, 2010. Mr. Schranck stated that he does not know whether they are going to continue with the Chancery Court case or not.

B. Misc.

Mr. Charles commented that because of all the bad weather he reduced the minimum number of games in basketball from 18 to 16. Mr. Charles stated that there have been nine school days lost due to the weather. Mr. Charles stated that the basketball committees agreed to meet on Sunday instead of Friday which will give the schools two additional days to get games in. Mr. Charles stated that the Wrestling Dual Team Tournament has been moved to a week later, indoor track was moved a week later, and had to add a couple of days to swimming and diving to allow for registration. Mr. Charles stated that they moved the diving preliminaries from the University of Delaware to McKean High School which saves 6 hours of time and saves on security costs.

Mr. Charles stated that the revised Board meeting schedule was also included. Mr. Charles also shared a follow-up on the Student Leadership conference that was done by Jennifer Eckman. Mr. Charles stated that she invited all the Henlopen Conference student athletes that attended to talk about the creation of a student athlete advisory committee for DIAA. Mr. Charles stated that at the same time Sebrina Perialas scheduled a March 21st meeting with all of the students that have attended the NFHS Student Leadership Conference in the last two years to help plan the DIAA Student Leadership Conference for this year.

Mr. Charles commented on a Seaford Middle School student that was listed on an eligibility list with three different birth dates which resulted in a 17 year old student competing as a middle school athlete. Mr. Charles stated that subsequent to receiving that letter Seaford did their interviews for a middle school track position and with the stipulation that the Board put on for her to be rehired which was that she had to complete an online course offered by the NFHS at her expense she chose not to pursue the position.

Mr. Wagner commented that they held a track course which was their second attempt to get people certified for track. Mr. Wagner stated that 20 plus people signed up for the course and some were very experienced. Mr. Wagner commented that they completed four sessions and the instructor allowed them to take the test home. Mr. Wagner stated that there were good discussions with members of the Delaware Sports Club to create a track officials association in Delaware.

Mr. Wagner thanked Kevin and Tommie for their support and thanked Mr. Torbert from Dover High School for giving them the facility to use.

V. Other

VI. Public Comment

None.

VII. Adjournment

Mr. Wagner made a motion to adjourn at 11:50 a.m. The motion was seconded by Mr. Bedford and carried unanimously.

Tina Hurley